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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 2.106 of the )  
Commission's Rules to Allocate ) ET Docket No. 95-18  
Spectrum at 2 GHz for Use )  
by the Mobile-Satellite Service )

To: The Commission

**COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS**

The Association of American Railroads ("AAR"), by its undersigned counsel, pursuant to section 1.429(f) of the rules of the Federal Communications Commission ("Commission"),<sup>1/</sup> hereby submits comments in support of the Petition for Clarification<sup>2/</sup> of the above-captioned *Memorandum Opinion and Order*.<sup>3/</sup>

In its petition, UTC urges the Commission to clarify certain statements in the *MO&O* that UTC fears "could lead to misunderstandings regarding an emerging technology licensee's obligation to protect incumbent operations from interference and relocate incumbents with which it interferes before the interference takes place."<sup>4/</sup>

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1/ See 47 C.F.R. § 1.429(f).

2/ Petition for Clarification, filed by UTC, The Telecommunications Association ("UTC"), on January 19, 1999 ("Petition").

3/ ET Docket No. 95-18, *Memorandum Opinion and Order and Order*, FCC 98-309(released November 25, 1998)("MO&O").

4/ Petition at 3.

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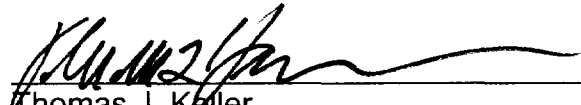
AAR agrees with UTC regarding the possibility for misunderstandings regarding the relocation reimbursement obligations of future MSS licensees. The Commission must clarify that relocation reimbursement obligations are triggered by predicted interference based on established interference standards. Allowing MSS operators to wait until they cause actual harmful interference would result in communications disruptions that would be, *prima facie*, contrary to the public interest.

AAR supports the UTC Petition for Clarification and respectfully requests that it be granted by the Commission.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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February 22, 1999

## Certificate of Service

I, Helene McGrath, of the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that a copy of the foregoing was served this 22nd day of February, 1999, via first class mail, postage prepaid, upon the following:

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